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19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA**

21 **SAN FRANCISCO DIVISION**

22 IN RE: UBER TECHNOLOGIES, INC.,
23 PASSENGER SEXUAL ASSAULT
24 LITIGATION

25 Case No. 3:23-md-03084-CRB

26 **DEFENDANT UBER TECHNOLOGIES,
27 INC., RASIER, LLC, AND RASIER-CA,
28 LLC'S BRIEF IN SUPPORT OF UBER'S
JUNE 6, 2025 PRIVILEGE LOG
PURSUANT TO SPECIAL MASTER
ORDER NO. 4, § II (DKT. 2933)**

29 This Document Relates to:

30 ALL ACTIONS

1 Pursuant to Special Master Order No. 4, II (Dkt. 2933), Defendants submit this brief in support
 2 of Uber's privilege assertions for documents it logged as privilege on June 6, 2025. Plaintiffs initially
 3 challenged 960 documents from Defendants' June 6 privilege log. Following conferrals, Defendants
 4 produced 84 documents in full or with new redactions on July 11, 2025. Plaintiffs submitted a revised
 5 list of 678 challenges on July 15, 2025. In an effort to further narrow the disputes, Defendants produced
 6 three additional documents on July 18, 2025, resolving those pending challenges.¹ 675 remaining
 7 challenges are now submitted for the Special Master's review.

8 The Special Master has ample grounds on which to affirm Defendants' remaining privilege
 9 claims. Defendants incorporate by reference the legal standard and arguments set forth in its prior
 10 briefing (Dkts. 2433, 2461, 2528, 2544, and 2580). As further support for its privilege claims, Uber
 11 provides the arguments and factual support listed below, including the declaration from Scott
 12 Binnings, Uber's Associate General Counsel, Safety and Core Services (Ex. A), and Jennifer Handley,
 13 Uber's Senior Legal Director, Global Safety (Ex. B). The applicable legal standards and arguments
 14 outlined below and in prior briefs, the attached declarations from in-house counsel, and the factual
 15 material previously provided to the Special Master,² when reviewed in conjunction with the challenged
 16 documents and the associated metadata fields, support Defendants' privilege and work product claims.

17 Defendants provide additional context regarding certain documents and topics in this set to
 18 facilitate the resolution of privilege claims:

19 **JCCP MDL PRIVLOG105576**

20 JCCP_MDL_PRIVLOG105576 is a confidential spreadsheet titled "A/C Privileged – Trends
 21 in Cancellation Rates and Ratings by Gender _ User Audit." As explained by Mr. Binnings in his
 22 declaration, this spreadsheet contains information that was gathered to facilitate legal advice that he
 23 and Nicole Benincasa, a Senior Counsel on Safety Legal, provided to the company on user

24 ¹ Defendants produced JCCP_MDL_PRIVLOG107574 in full. Defendants produced
 25 JCCP_MDL_PRIVLOG107721 and JCCP_MDL_PRIVLOG109385 with redactions following conferral with
 Plaintiffs.

26 ² As requested by the Special Master, Uber has provided: (1) a glossary of terms commonly used in disputed
 27 documents, (2) a list of names and titles of relevant Uber inside and outside counsel, and (3) a digest of third-
 parties present in its privilege log. Defense counsel will also be available for any questions the Special
 Master may have during the review process.

1 deactivations. *See* Declaration of Scott Binnings (July 17, 2025), attached as Ex. A. The spreadsheet
 2 was prepared with the legal team's involvement and advice throughout the process, and Mr. Binnings
 3 provided input on the type of data that needed to be captured as part of the spreadsheet. *Id.*

4 **JCCP MDL PRIVLOG105477**

5 JCCP_MDL_PRIVLOG105477 is a report titled "Trend Analysis – Year – Driver Reporter."
 6 The report itself indicates that it is work product performed under Ms. Handley's direction, and she
 7 confirmed this fact in her declaration. *See* Declaration of Jennifer Handley (July 17, 2025), attached
 8 as Ex. B. As Ms. Handley explains, the report contains information gathered to facilitate her legal
 9 advice regarding safety trends as they relate to Uber's U.S. Safety Report, and she provided input on
 10 the data that was captured to facilitate her advice.

11 **JCCP MDL PRIVLOG105609**

12 JCCP_MDL_PRIVLOG105609 is a draft letter authored by Steffi Bryson, then Head of Safety
 13 and Consumer Protection Policy. While -5609 does not have a parent email associated in the metadata,
 14 Defendants are making available an email thread logged as JCCP_MDL_PRIVLOG078061, which
 15 provides context for the privileged nature of -5609. The email thread, -8061, shows that Ms. Bryson
 16 drafted -5609 under the guidance of the in-house legal team. *See* JCCP_MDL_PRIVLOG078061
 17 (Aug. 29, 2019 at 11:51 a.m. email). Ms. Bryson sent the draft letter to Mr. Binnings on September 6,
 18 2019, for his legal advice, and Mr. Binnings responded and provided his advice on September 11,
 19 2019, which corresponds to the date of -5609.³ In-house lawyers, Maureen Frangopoulos, Aaron
 20 Brand, and Kathleen Waitzman, are also included on the distribution.

21 **JCCP MDL PRIVLOG107873**

22 JCCP_MDL_PRIVLOG107873 is a draft internal document regarding the settlement of a
 23 matter with the California Public Utilities Commission (CPUC). Plaintiffs challenged this document
 24 based on their belief that it was authored by a non-attorney with no attorneys involved. However, as
 25 the title field of the metadata indicates, the challenged document is a copy of another document. The

27 ³ The Google Doc ID for the document linked in Ms. Bryson's September 6, 2019 email corresponds with the
 28 Google Doc ID for JCCP_MDL_PRIVLOG105609.

original version was logged as JCCP_MDL_PRIVLOG107862. In-house lawyers, Lisa Tse, Jane Lee, and Molly Moran, were collaborators on the original version (-7862), and Uber's privilege claim as to -7862 was not challenged. Contemporaneous Google notifications confirm that in-house lawyers participated in the drafting and editing of the original version of the challenged document. Defendants will make these contemporaneous Google notifications available for the Special Master's review.

Safety Feature Developed in Partnership with Uber In-House Counsel

Certain documents relate to a safety feature that was developed at Uber in partnership with and with legal analysis from in-house counsel, including Daniel Kolta, Uber’s Legal Director, Global Safety. *See, e.g.*, JCCP_MDL_PRIVLOG107165 and JCCP_MDL_PRIVLOG107178. As previously explained, documents that reflect in-house counsel’s efforts in managing legal risks based on experimental data and trends observed by the development team, as well as documents that reflect the development team’s efforts to facilitate legal advice, should be protected. *See* Defendants’ May 13, 2025 Brief (Dkt. 2985) and Apr. 18, 2025 Declaration of Daniel Kolta (provided to the Special Master *ex parte* on April 21, 2025). Defendants’ arguments with respect to these safety features are unchallenged and should be upheld.⁴

For these reasons, the Special Master should uphold Uber's privilege claims as to the documents submitted for review.

DATED: July 18, 2025

Respectfully submitted,

SHOOK HARDY & BACON L.L.P.

By: /s/ Jennifer Hill
Jennifer Hill

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⁴ The Special Master invited Plaintiffs to submit any additional briefing on this topic. Plaintiffs did not provide briefing, but rather withdrew their challenges to 15 documents relating to the safety feature addressed in Mr. Kolta’s April 18, 2025, declaration. *See* June 30, 2025, Email from Tiffany Ellis to Special Master Jones.

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DEFENDANTS' BRIEF IN SUPPORT OF UBER'S JUNE 6, 2025 PRIVILEGE LOG PURSUANT TO SPECIAL

MASTER ORDER NO. 4, § II (DKT. 2933)